



# BOARD OF LICENSE COMMISSIONERS

City Clerk's Office, 166 Boulder Drive

Fitchburg MA 01420

(978) 829-1820

Vincent Pusateri, II, Chairman

Daniel Sarefield

Linda M. Swears

## MINUTES OF MEETING

The regular meeting of the Board of License Commissioners was held on April 6, 2015 in the Fitchburg Municipal Offices conference room, 166 Boulder Drive, Fitchburg, and called to order by Chairman Vincent Pusateri at 6:00PM. Commissioners Sarefield and Swears were present. FPD Sergeant Matthew Lemay arrived at 6:06PM.

The agenda consisted of the following:

### **I. REVIEW AND ACCEPTANCE OF MINUTES FROM THE PREVIOUS MEETING.**

*The minutes of the meeting held on March 16, 2015 were reviewed, approved and signed.*

### **II. NEW APPLICATIONS**

**FSU Student Development Office for Special One Day wine and malt beverages license for a Student Retirement Party for Dr. Antonucci from 7P – 12A on May 6, 2015 for 240 people in the main lounge/patio at 160 Pearl Street.**

*Commissioner Sarefield recused himself and left the room.*

*Mr. Joe Phelan was present on behalf of the application.*

*Approved 2/0*

*Commissioner Sarefield returned to the room.*

**World Cup Bull Riders, Kenneth Churchill for Entertainment Permit (rodeo and western festival, food, barbecue, small merchant vendors, music, bands, helicopter rides) on May 23, 2015 from 12 noon to 11PM and May 24, 2015 from 12 noon to 10PM.**

*Mr. Kenneth Churchill was present.*

*Approved 3/0*

**World Cup Bull Riders, Kenneth Churchill for Special One Day all Alcoholic Beverages license for Rodeo Western Festival from 12Noon to 11PM on September 19, 2015 and 12Noon to 9PM on September 20, 2015 for 1500 people on Saturday and 2000 people on Sunday on hill side with vendors at the Fitchburg Municipal Airport.**

*Mr. Kenneth Churchill was present.*

*Approved 3/0*

**World Cup Bull Riders, Kenneth Churchill for Entertainment Permit (rodeo and western festival, food, bands, merchant vendors, helicopter rides) on September 19, 2015 from 12Noon to 11PM and September 20, 2015 from 12Noon to 9PM.**

*Mr. Kenneth Churchill was present.*

*Approved 3/0*

**MA State Lottery Commission communication of intent to install a KENO monitor to an existing KENO To Go agent at In and Out Convenience, 37 Airport Road. (License Commission may object in writing).**

*After some discussion of the matter a motion to approve the communication FAILED by vote of 1 in favor and 2 opposed (Pusateri, Sarefield). Reasons for opposition focused on maintaining consistency with other recent objections to KENO monitors at other establishments and the potential for loitering resulting in a negative*

*impact on the neighborhood and surrounding businesses. The Clerk was instructed to send a letter to the MA Lottery Commission expressing the Commission's objection.*

**MA State Lottery Commission communication of intent to send application and agreement to sell KENO To Go product to existing on-line game agents at Prime Convenience, 267 Mechanic Street and Jay's Liquors, 134 River Street. (License Commission may object in writing).**

*Communication approved 3/0. The Board expressed that it has no issues with the KENO to Go product, only the product in conjunction with a monitor.*

### **III. SUMMONS HEARING**

**Major's Café, 149 Lunenburg St., Ellen Reffitt, Manager on the following matters:**

- 1. FPD Report #15-7694**
- 2. In reference to FPD Report listed above – Alleged violation of MA General Law Chapter 138 Section 63A ( Hindering or delaying investigator, inspector or agent of commission).**
- 3. In reference to FPD Report listed above – Alleged violation of Fitchburg License Commission regulation #3.15 (In the event that a disturbance or breach of the peace occurs on the licensed premise, its exterior or involving any of their patrons or physical injury to any person, the licensee or responsible person shall promptly notify the police department and shall take any and all reasonable steps to assist such injured person and shall cooperate with the police investigation.)**

*Ms. Ellen Reffitt was present. FPD Officer Jeffrey Hurley was present. Officer Hurley reiterated the details of the police report. He stated that he repeatedly asked Ms. Reffitt for a copy of the bar's video tape from that night but has not received a response. Ms. Reffitt stated that she does not know how to work the video equipment so she called in a technician. She stated that the technician viewed the video from the night in question and did not see any fight so there was nothing to give to the police department. She stated that she now has an application on her phone that will allow her to provide a copy of any video in the future. Ms. Reffitt stated that the video of the night in question no longer exists because it tapes over itself every two weeks.*

*By vote of 3/0 hearing continued to May 11, 2015 with requirement that the bartender Dennis Gray and the video technician Lance Lagace be present.*

### **IV. MISCELLANEOUS**

#### **1. Continued discussions :**

**A. Peter Bellanton, North Central Coach and Cab, LLC, 435 Lancaster Street Leominster (formerly Centerline Transportation, LLC, 265 Summer St. Fitchburg) to discuss FPD Report #15-2288-OF.**

*Commissioner Pusateri recused himself and left the room.*

*Mr. and Mrs. Bellanton were present. Regarding the police report, Mr. Bellanton explained that his driver lived in Fitchburg and brought the car home with him in order to respond to emergency late night livery calls. He said that he told the driver not to move the car for 24 hours until an insurance issue was settled. He said that they cleared up the insurance issue and then moved the car. He said that they do not operate in Fitchburg they just store their vehicles here. He said that the City of Leominster Building Department and License Board approved their license application to dispatch from Leominster last week; all five of their livery vehicles have been approved by the City of Leominster and paid for; April 27, 2015 is the date of the final hearing on their license.*

*By vote of 2/0 the discussion was continued to May 11, 2015. Mr. Bellanton was directed to bring with him the City of Leominster livery business license and his application for a City of Fitchburg livery business.*

**Related application to discussion item:**

**Application for Late Closing: North Central Coach and Cab Services, 265 Summer Street, Angelina Bellanton, Manager for Seven days per week 24 hours per day sale of alcoholic beverages.**

*Mr. and Mrs. Peter Bellanton were present. They both said that they are not sure why they filled out this application, that it was a mistake to do so and that they have no intention of selling alcoholic beverages.*

*Application was withdrawn by the applicant.*

*Commissioner Pusateri returned to the room.*

**B. City Council petition 39-2015: Councillor Joel Kaddy, to provide one day liquor licenses to certified art galleries, museums and non-profit 501C3 groups for \$10.00**

*After deliberation, the Board voted unanimously to recommend that the petition not be granted for the following reasons:*

- 1. The City of Fitchburg currently has possession of several annual pouring licenses. The Board of License Commissioners plans to take action to motivate current community groups in good-standing with the City to apply for these annual licenses. It is the Board's opinion that granting petition 39-2015 would work against this plan;*
- 2. The Board of License Commissioners has received no complaints from any art gallery, museum or non-profit 501C3 group stating that the current fee is prohibitive;*
- 3. The Board of License Commissioners believes that the current fee promotes a certain level of responsibility and commitment with regard to the serving and selling of alcohol.*

**C. Draft letter to alcohol distributors**

*After deliberation the draft letter was revised and the Clerk was instructed to send it out as revised (copy attached hereto).*

**D. New license format from State pertaining to Public Entertainment on Sunday**

*Discussed briefly, to be continued at the next meeting.*

**E. Proposed new taxi regulation: Prohibiting multiple fares in taxicabs.**

*Ms. Lisa Bramante – City Cab and Ms. Kim Lynch – Twin City Cab were present and both spoke regarding this matter. Both of them stated that multiple fares in one taxi is standard operating procedure in order to be able to respond to customer requests for rides in a timely manner. Both of them stated that if the customer objects to picking up another fare they do not do so. Discussion by the Board on the matter resulted in a recommendation that there be a posting in the cab for customers. Proposed regulation pertaining to the requirement of a posting on multiple fares in each vehicle to be placed on the next agenda for adoption.*

**2. New discussion:**

**Complaint from Lisa Caisse regarding City Cab.**

*Ms. Caisse was present. Ms. Lisa Bramante, owner of City Cab was also present.*

*Ms. Caisse reiterated the details of her complaint from February 2015 and the previously filed and addressed complaint from October 2014 (copies attached hereto). Ms. Bramante acknowledged receipt of the Commission's letter regarding the October complaint and stated that she addressed it with the employee.*

*Commissioner Pusateri stated that an individual may file a criminal harassment charge in District Court after three incidents. He stated that this does not appear to be a licensing issue and that if the harassment continues Ms. Caisse may pursue relief from the court system.*

**3. Taxi/Livery Driver application**

*Lewis Chamberlain – Approved for 2 years*

*Jonathan Cotto - Approved for 2 years*

*Melissa Ellis - Approved for 2 years with review in 6 months*

*Jason Gaffney - Approved for 2 years*

*Saul Jaskolka - Approved for 2 years*

Richard Rigby - *Approved for 2 years*  
Rey Ruiz - *Approved for 2 years*  
Shauna Stevens - Continued until April 22, 2015

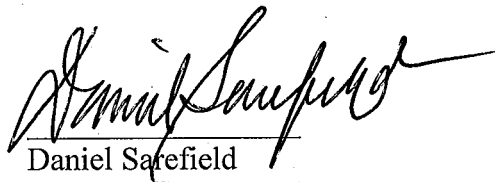
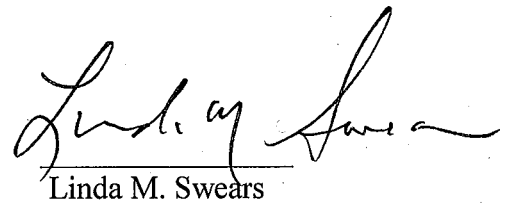
The meeting adjourned at 8:18 PM

Respectfully submitted,



Anna M. Farrell  
City Clerk

Approved:

  
Daniel Sarefield  
Linda M. Swears

Vincent Pusateri, II